

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

THOMAS M. MOROUGHAN,

Plaintiff,

-against-

THE COUNTY OF SUFFOLK, SUFFOLK COUNTY  
POLICE DEPARTMENT, SUFFOLK DETECTIVES  
TAVARES, CHARLES E. LESTER III,  
DETECTIVE/SGT. WILLIAM J. LAMB, SUFFOLK  
POLICE OFFICER MEANY AND SUFFOLK JOHN  
DOES 1-10, THE COUNTY OF NASSAU, NASSAU  
COUNTY POLICE DEPARTMENT, NASSAU  
POLICE OFFICERS ANTHONY D. DILEONARDO,  
EDWARD BIENZ AND JOHN DOES 11-20,

Defendants.

**NOTICE OF MOTION  
TO QUASH SUBPOENA**

Docket No.: 12 CV 0512

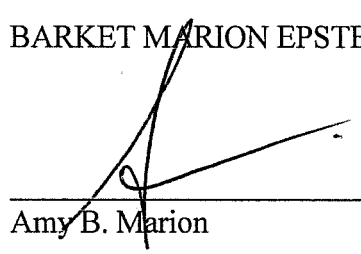
PLEASE TAKE NOTICE that upon the annexed Affirmation of Amy B. Marion, Esq., dated March 1, 2013 and the exhibits annexed thereto: the memorandum of law in support hereof, dated March 1, 2013; and the pleadings and proceedings heretofore had herein, defendant Anthony DiLeonardo will move this Court before Hon. A. Kathleen Tomlinson, United States Magistrate Judge, at the United States District Courthouse for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722, for an order: (i) pursuant to Federal Rule of Civil Procedure 45(c)(3)(A)(iii), quashing plaintiff's judicial subpoena directing Dr. Beverly Kraszewski to appear and give testimony pertaining to Anthony DiLeonardo in relation to his February 27, 2012 treatment at Huntington Hospital in its entirety; and (ii) granting such other and further relief as this Court deems just, proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Judge Tomlinson's Order dated February 5, 2013, all papers in opposition to the within motion must be served upon the undersigned on March 12, 2013.

Dated: Garden City, New York  
March 1, 2013

BARKET MARION EPSTEIN & KEARON

By:

  
\_\_\_\_\_  
Amy B. Marion

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-against-

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POLICE OFFICERS ANTHONY D. DILEONARDO,  
EDWARD BIENZ AND JOHN DOES 11-20,

Defendants.

**AFFIRMATION IN  
SUPPORT OF MOTION  
TO QUASH SUBPOENA**

Docket No.: 12 CV 0512

Amy B. Marion, an attorney duly admitted to practice law in the State of New York and before this Court, does declare under the penalties of perjury and pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner in the firm BARKET MARION EPSTEIN & KEARON, LLP, counsel for defendant Anthony DiLeonardo in this action, and, as such, I am familiar with the facts and circumstances contained herein.

2. I submit this affirmation in support of defendant Anthony DiLeonardo's motion to quash plaintiff's judicial subpoena directing Dr. Beverly Kraszewski to appear and give testimony pertaining to Anthony DiLeonardo in relation to his February 27, 2012 treatment at Huntington Hospital pursuant to Federal Rule of Civil Procedure 45(c)(3)(A)(iii).

3. I respectfully submit that, for the reasons set forth in the accompanying

memorandum of law, the Court should grant Defendant DiLeonardo's motion to quash in its entirety and such other and further relief as the Court deems just and proper.

Dated: Garden City, New York  
March 1, 2013

BARKET MARION EPSTEIN & KEARON

By:

Amy B. Marion

A handwritten signature in black ink, appearing to read 'Amy B. Marion', is written over a horizontal line. The signature is stylized with a large, looping 'A' and 'M'.